IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5121 of 2005

Between:

G.Venkata Krishna, S/o.Late G.Gopala Rao,
D.No.57-7-18A, Gokul Nagar, Kancharapalem,
Visakhapatnam-8.

..... PETITIONER

AND

Visakhapatnam Municipal Corporation, rep.by its Commissioner, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, particularly one in the nature of Writ of Mandamus declaring the tender notification proceedings in Rc.No 000146/2005/D.C.R. dated. February-2005 with respect to the item No.10 i.e. right to collect aseelu from lorries and vans at Gollakancharpalem to Ramurthy Panthulupeta Railway Gate as illegal, arbitrary, unconstitutional and consequently direct the Respondent to continue the lease of the petitioner for a period of one year.

Counsel for the Petitioner:MR.N.SUBBA RAO

Counsel for the Respondent No.: MR.N.RANGA REDDY

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.5121 OF 2005

ORDER :

The petitioner seeks a declaration that the Tender Notification issued by the respondent – Municipal Corporation I Rc.No.000146/2005/D.C.R., dated -02-2005 so far as item No.10 with regard to the right to collect Octroi/Aseelu from the lorries and vans at Gollakancharapalem is concerned as arbitrary and illegal.

The petitioner states that he was granted right to collect octroi/aseelu for the period 2004-05 and that he has paid the entire bid amount of Rs.44,000/- at one time. However, as per the orders of the Corporation dated 12-10-2004, the petitioner was restrained from collecting octroi/aseelu and consequently he suffered huge loss. He made several representations requesting the Corporation to extend the lease period or in the alternative to refund the bid amount paid by him.

The grievance of the petitioner is that while keeping the said representations pending, the respondent Corporation has issued the impugned tender notification inviting fresh tenders. Hence, the present writ petition.

Heard the learned Counsel for the petitioner and perused the material on record.

Though the petitioner was granted right to collect octroi/aseelu, admittedly by proceedings dated 12-10-2004 issued by the corporation, he was directed not to collect the same from the goods vehicle owners. May be that, the petitioner suffered loss on account of restriction imposed under the said proceedings, however the

petitioner having failed to challenge the said proceedings, cannot seek any Mandamus restraining the respondent Corporation from proceeding further with the impugned notification. Hence, I am not inclined to grant the relief as prayed for.

However, having regard to the facts and circumstances of the case, the Writ Petition is disposed of with a direction to the respondent Corporation to consider the representations made by the petitioner dated 2-11-2004 and 6-3-2005 and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of two weeks from the date of receipt of this order. No costs.

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15th March, 2005.

Note:- CC in two days.

(B/O)

MRB